

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CLARENCE DELANEY, JR.,

Plaintiff,

-v-

No. 9:13-CV-0648
(DNH/TWD)

DR. ZAKI, Physician/Medical Doctor, Mid-State
Correctional Facility and Marcy Correctional Facility;
DR. S. RAMINENI, Physician/Medical Doctor,
Mid-State Correctional Facility and Marcy Correctional
Facility; M. CZERWINSKI, Physician/Medical Doctor,
Mid-State Correctional Facility and Marcy Correctional
Facility; BRANDON J. SMITH, Superintendent,
Mid-State Correctional Facility; and DR. CARL
KOENIGSMANN, Deputy Commissioner, Chief
Medical Officer, DOCCS,

Defendants.

APPEARANCES:

OF COUNSEL:

CLARENCE DELANEY, JR.
Plaintiff pro se
TASC
87 Columbia Street
Albany, NY 12210

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

RACHEL M. KISH, ESQ.
Ass't Attorney General

DAVID N. HURD
United States District Judge

DECISION and ORDER

Pro se plaintiff Clarence Delaney, Jr. brought this civil rights action pursuant to 42

U.S.C. § 1983. On April 17, 2015, the Honorable Thérèse Wiley Dancks, United States Magistrate Judge, advised by Report-Recommendation that plaintiff's complaint be dismissed sua sponte pursuant to 28 U.S.C. §§ 1915A and 1915(e). No objections to the Report-Recommendation were filed, despite plaintiff being afforded an extension of time to do so.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1).

Therefore, it is

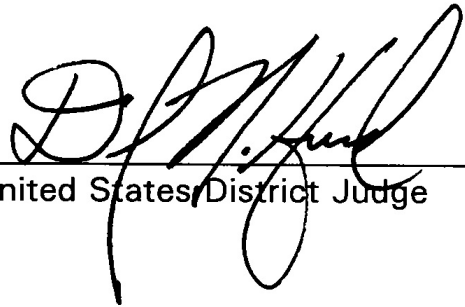
ORDERED that

1. Plaintiff's Eighth Amendment claims against defendants Zaki, Ramineni, Czerwinski, Smith, and Koenigsmann are DISMISSED without leave to amend;
2. Plaintiff's equal protection claim is DISMISSED with leave to amend;
3. Plaintiff's claims for defamation, mental and emotional distress, and medical negligence/medical malpractice are DISMISSED without prejudice to renew if plaintiff amends his federal equal protection claim;
4. If plaintiff wishes, he shall submit an amended complaint within thirty (30) days of the date of this Decision and Order, curing the deficiencies in his equal protection claim addressed in the Report-Recommendation, along with asserting his claims for defamation, mental and emotional distress, and medical negligence/medical malpractice. Plaintiff is reminded that any amended complaint will replace his complaint in its entirety and no portion will be incorporated by reference;
5. If plaintiff does not file an amended complaint within thirty (30) days of the date of this Decision and Order, plaintiff's complaint will be dismissed in its entirety and this

action closed without further order; and

6. The Clerk is directed to serve a copy of this Decision and Order upon the parties in accordance with the Local Rules.

IT IS SO ORDERED.



United States District Judge

Dated: June 3, 2015
Utica, New York.